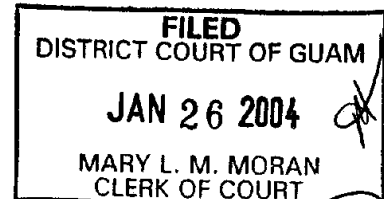


1 Tony H. Ashtiani  
2 P.O.Box 12723  
3 Tamuning Guam 96931  
4 671-688-4844  
5 671-653-5575



UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

6 Tony H. Ashtiani, )  
7 )  
8 Plaintiff, ) Civil Case No.: 02-00032  
9 )  
10 Vs. )  
11 ) REQUEST FOR ISSUANCE OF ORDER  
12 Continental Micronesia Inc, )  
13 )  
14 DbA, Continental Micronesia, ) Local Rule 7.1 (2) (C)  
15 ) Local Rule 7.1 (f)  
16 Continental Airlines, )  
17 )  
18 Defendant )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )

16 In pursuant to Local Rule 7.1, Defendant missed its' dead line on  
17 due date with no reply as discussed in forgoing and is dragging the  
18 plaintiff and Court in to it. These types of actions shall not be  
19 tolerated and it is unfair and injustice for defendant continuously  
20 making plaintiff to file documents to explain their misleading,  
21 negligence and making me as if I had anything to do with it. These  
22 conducts would drive a common man to edge of insanity. This is none  
23 sense and no one should put up with this and it shall stop at once  
24 because it forces extra filings and crowds the Court.  
25

ORIGINAL

1 On December 26, 2003 plaintiff was served with "Defendants Motion  
2 to strike affidavit of Tony H. Ashtiani and attached Exhibits 1-55 on  
3 December 19, 2003." Exhibit A. Plaintiff filed his opposition on  
4 December 31, 2003 and January 09, 2004, timely within 14 days of  
5 service, Joint Exhibits B. Defendant had denied me hearing on December  
6 30, 2003, to have our motion heard, Exhibit C. Therefore "Motions Not  
7 set For Oral Argument". It is noteworthy defendant deceived me and  
8 misled me to amend my pleadings from Cross Motion to Counter Motion by  
9 their letter, thereon after defendant filed several Motion to Strike  
10 and called my motion untimely.

11  
12  
13 LOCAL RULE 7.1(2)(B) States "The moving party may, not less than  
14 seven (7) calendar days after service of the opposition, serve and file  
15 a reply to the opposing party's opposition." Rather defendant filed two  
16 pleadings on Jan 16, 2004.

17  
18 1) Defendant Continental Micronesia Inc.'s memorandum in  
19 opposition to plaintiff's motion to strike "Sham" affidavit (filed on  
20 January 9, 2004) 2) Defendant Continental Micronesia, Inc.'s motion to  
21 strike declaration of Tony H. Ashtiani and exhibit 56 filed January 9,  
22 2004, EXHIBIT D.

23  
24  
25 Therefore, No reply was filed. However once defense had Realized  
that, Ms. McDonald called me On January 16, 2004, and asked me to set a

1 date for oral argument, I found her call very strange for the forgoing  
2 reasons: 1). Ms. McDonald had denied me hearing for our Motion to  
3 Strike to be heard on December 30, 2003. 2). Sudden change of course in  
4 action from denial to persisting to have a hearing.

5  
6 Accordingly, defendant "can not have the cake and eat it too" and  
7 Change course of direction in the middle of the motion filing.  
8

9  
10 Furthermore, even after Ms. McDonald and I have completed our  
11 learning curve (USCA 28 & 1746) her declaration does not state it is  
12 "true and correct" because there was no hearing date set on January 16,  
13 2004, because I was paying my respect and attending a funeral and I  
14 even told her so. See Ashtiani's Declaration and Copy of Pacific Daily  
15 News page 41.  
16


17 In accordance with Local Rule 7.1(C)(2), The defendant was  
18 required to file an reply by Jan 16, 2004. That day has come and gone,  
19 but the plaintiff has not received any reply to his opposition.  
20

21 In accordance with the Local Rule 7.1(f), the failure of the  
22 Defendant to file an reply memorandum may be deemed a consent to denial  
23 to the motion. Accordingly, plaintiff respectfully request that the  
24 Court denies the defendant's Motion.  
25

1 Motion practice 7.1 (C)(2) and 7.1(f) has been in full force and  
2 effect Fargo Pacific, Inc., a Guam Corporation, v. P.W.S International  
3 Inc., and Benjamin Poblete. dba Architectural products of California,  
4 Civil Case No. 98-00005 District Court of Guam.

5  
6 Submitted respectfully,. This 26<sup>TH</sup> day of January 2004.

7  
8 Tony H. Ashtiani

9 

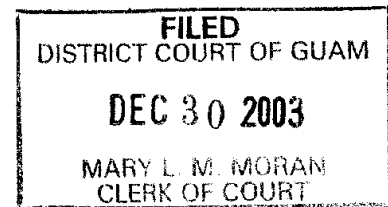
10 Pro Se, Plaintiff  
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25

**COPY**

CARLSMITH BALL LLP

ELYZE McDONALD  
DAVID LEDGER  
Bank of Hawaii Bldg., Suite 401  
134 West Soledad Avenue, P.O. Box BF  
Hagåtña, Guam 96932-5027  
Tel No. 671.472.6813

Attorneys for Defendants  
Continental Micronesia, Inc.  
dba Continental Micronesia  
and Continental Airlines, Inc.



*Dec. 30, 2003 .*  
*1700.*

IN THE DISTRICT COURT OF GUAM

TONY H. ASHTIANI,

Plaintiff,

vs.

CONTINENTAL MICRONESIA, INC. dba  
CONTINENTAL MICRONESIA and  
CONTINENTAL AIRLINES, INC.,

Defendants.

CIVIL CASE NO. CIV02-00032

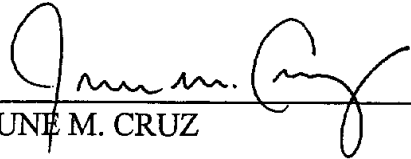
**DECLARATION OF SERVICE**

I, June M. Cruz, hereby declare under penalty of perjury of the laws of the United States, that on the 26<sup>th</sup> day of December 2003, I served a copy of Defendant Continental Micronesia, Inc.'s Reply Memorandum in Support of its Motion to Strike Plaintiff's Unauthenticated Evidence; Defendants Memorandum in Opposition to Plaintiff's Cross-Motion to Strike; and Defendant's Motion to Strike Affidavit of Tony H. Ashtiani and Attached Exhibits 1-55, Filed on December 19, 2003 (Filed 12/24/2003), upon Plaintiff Tony H. Ashtiani.

4839-0676-5824.1.013280-00079

I declare under penalty of perjury (6 G.C.A. §4308) that the foregoing is true and correct.

DATED: Hagåtña, Guam, December 26, 2003.

  
\_\_\_\_\_  
JUNE M. CRUZ

1 Tony H. Ashtiani  
2 P.O.Box 12723  
3 Tamuning Guam 96931  
4 671-688-4844  
5 671-653-5575

FILED  
DISTRICT COURT OF GUAM  
DEC 31 2003  
MARY L. M. MORAN  
CLERK OF COURT

6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF GUAM

8 Tony H. Ashtiani,  
9 Plaintiff,

10 Vs.

11 Continental Micronesia Inc,  
12 DbA, Continental Micronesia,  
13 Continental Airlines,  
14 Defendant.

) Civil Case No.: 02-00032  
)  
)  
) PLAINTIFF'S REPLY TO  
) DEFENDANT'S OPPOSITION TO  
) PLAINTIFF'S COUNTER MOTION TO  
) STRIKE. AND OPPOSITION TO  
) DEFENDANT'S MOTION TO STRIKE  
) AFFIDAVIT OF TONY H.ASHTIANI  
) AND ATTACHED EXHIBITS 1-55  
) FILED ON DECEMBER 19,2003.  
)  
)  
)  
)

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\* \* \* \* \*  
CARLSMITH BALL

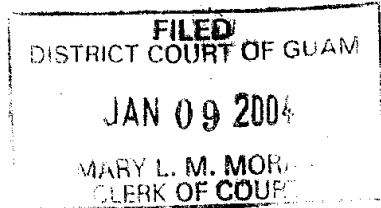
Date: 1/2/04  
Time: 11:29 By: EM

20 Plaintiff presents this pleading before the court in reference  
21 to pleadings filed by defendant CMI on December 24, 2003 and  
22 was served on plaintiff on December 26, 2003.

EXHIBITS  
"B"

COPY

1 Tony H. Ashtiani  
2 P.O.Box 12723  
3 Tamuning Guam 96931  
671-688-4844  
671-653-5575



4 UNITED STATES DISTRICT COURT

5 DISTRICT OF GUAM

6 Tony H. Ashtiani,  
7 Plaintiff,

8 Vs.

9 Continental Micronesia Inc,  
10 DbA, Continental Micronesia,  
11 Continental Airlines,  
12 Defendant  
13  
14

)  
)  
) Civil Case No.: 02-00032  
)  
) PLAINTIFF'S SUPPLEMENTAL  
) OPPOSITION TO DEFENDANT'S  
) MOTION TO STRIKE AFFIDAVIT OF  
) TONY H. ASHTIANI. AND ATTACHED  
) EXHIBITS 1-55 ON DECEMBER 19,  
) 2003. AND MOTION TO STRIKE  
) "SHAM" AFFIDAVITS AND ATTACHED  
) EXHIBITS BY DEFENDANT IN  
) ATTEMPT TO OBSTRUCT JUSTICE.  
)  
)

15  
16  
17 Plaintiff Pro se field reply and opposition expeditiously on Dec  
18 31, 2003 due to General Order in effect. This supplemental opposition  
19 presented to Court in pursuant to Fed R. Civ. P. 15. Defendant has  
20 Served plaintiff Motion to strike on December 26, 2003 and is claiming  
21 plaintiff's Motion is untimely. Defendant in continues search to  
22 harass pro se plaintiff while defendant is also doing the same by  
23 serving opposition within 14 days of service.  
24  
25

CV. 02-00032

Page 1 of 13

\*\*\*\*\*  
CARLSMITH RALI

Date: 1/9/04  
Time: 1:50 y. 5m

EXHIBITS



# CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

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134 WEST SOLEDAD AVENUE, P.O. BOX BF  
HAGATÑA, GUAM 96932-5027  
TELEPHONE 671.472.6813 FAX 671.477.4375  
WWW.CARLSMITH.COM

T. Ashtiani  
Dec 30 2003  
1700

DIRECT DIAL NO.

EMCDONALD@CARLSMITH.COM

December 30, 2003

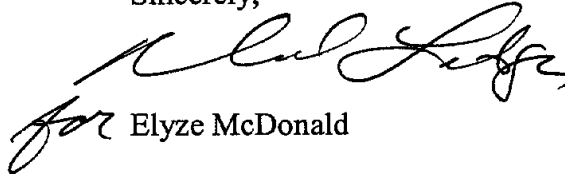
Mr. Tony H. Ashtiani  
Post Office Box 12723  
Tamuning, Guam 96931

Re: Tony Ashtiani v. Continental Airlines, Inc.  
Civil Case No. CV02-0032

Dear Mr. Ashtiani:

As you will have noticed from Continental's response to your Cross-Motion to Strike, Continental believes your Cross-Motion was not timely filed. Continental declines to agree to any hearing date on a Motion that has not been timely filed.

Sincerely,

  
for Elyze McDonald

EJM/jmc

4822-6908-6720.1.013280-00079

EXHIBIT  
"C"

HONOLULU • KAPOLEI • HILO • KONA • MAUI • GUAM • SAIPAN • LOS ANGELES • WASHINGTON, D.C.

**COPY**

CARLSMITH BALL LLP

ELYZE McDONALD

DAVID LEDGER

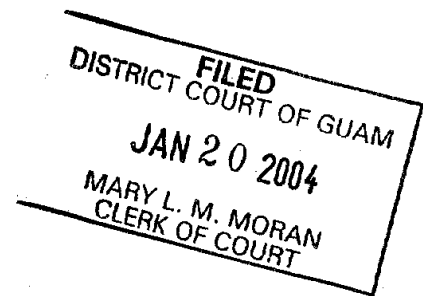
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Tel No. 671.472.6813

Attorneys for Defendants  
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and Continental Airlines, Inc.



IN THE DISTRICT COURT OF GUAM

TONY H. ASHTIANI,

Plaintiff,

vs.

CONTINENTAL MICRONESIA, INC. dba  
CONTINENTAL MICRONESIA and  
CONTINENTAL AIRLINES, INC.,

Defendants.

CIVIL CASE NO. CIV02-00032

**DECLARATION OF SERVICE**

I, June M. Cruz, hereby declare under penalty of perjury of the laws of the United States, that on the 16<sup>th</sup> day of January 2004, I served a copy of Defendant Continental Micronesia, Inc.'s Motion to Strike Declaration of Tony Ashtiani and Exhibit 56 Filed January 9, 2004 and, Defendant Continental Micronesia, Inc.'s Memorandum in Opposition to Plaintiff's Motion to Strike "Sham" Affidavits (Filed January 9, 2004) (Filed 01/16/2004), upon Plaintiff Tony H. Ashtiani.